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C O N F I D E N T I A L SECTION 01 OF 02 DAR ES SALAAM 000381

SIPDIS

E.O. 12958: DECL: 2/18/15

TAGS: [PREL](#) [KAWC](#) [PHUM](#) [SU](#) [TZ](#)

SUBJECT: TANZANIAN VIEWS ON SUDAN TRIBUNAL, AU COURT

REFS: A) STATE 29467; B) DAR ES SALAAM 206;

C) DAR ES SALAAM 042

Classified by Charge d'Affaires Michael S. Owen for reasons 1.4 (b) and (d).

11. (U) Charge met on February 18 with Ambassador Pastor Ngaiza, Acting Permanent Secretary of the Foreign Ministry, to deliver ref A demarche on the Sudan tribunal. Both the Foreign Minister and Deputy Minister were traveling outside of Dar es Salaam and unavailable. Charge left a copy of ref A, paragraph 6 talking points with Ngaiza, who promised to pass them on to the Minister when he returns to Dar next week.

12. (C) Charge voiced deep US concern over continuing atrocities in Darfur, and the need for rapid action to stop the violence, help the victims, and bring to justice those responsible for the violence. He reiterated our strong preference for a joint UN-AU tribunal that could share the infrastructure of the ICTR in Arusha, and outlined the advantages of this approach. Charge referred to the decision made in the January AU summit in Abuja to locate the AU Court of Justice in the Eastern region, and solicited Ngaiza's views on whether Tanzania is considering hosting the court.

AU Court of Justice

13. (C) Referring first to the location of the AU Court of Justice, Ngaiza said the GOT had not really focused on this issue, in part because prior to the Abuja summit the Tanzanians had assumed the Court would go to the Southern region. According to Ngaiza, the GOT had been "surprised" by the decision to locate the Court in East Africa. He said he believed the GOT would indeed be interested in applying to host the Court in Arusha, but no firm decision had been made, and the issue has not even been seriously discussed within the Foreign Ministry. Ngaiza said he understood Mauritius was also interested in hosting the court. He also noted that in last year's UNGA, during a discussion of the ICTR, the Tanzanian delegation had specifically requested that consideration be given as to how best to utilize the facilities at Arusha once the ICTR is disbanded in 2008.

Darfur Tribunal

14. (C) On the issue of the Darfur tribunal, Ngaiza stuck to the previously-enunciated party line (ref B), that such a tribunal would be very welcome in Arusha, but the GOT would support its creation if and only if there was already a solid consensus for its creation within the UNSC. Ngaiza strongly emphasized the GOT's support for the ICC, and unwillingness to do anything that would be perceived as undermining the ICC. "On this issue, we will wait for a consensus to emerge within the Security Council," he said.

15. (C) Charge urged Ngaiza to raise the issue of the AU Court of Justice with his Minister as soon as he returns to Dar, and to seek a speedy decision on Tanzania's plans regarding the court. Ngaiza committed to do so, and to keep us informed on GOT thinking on this issue.

Comments

16. (C) Comment: Arusha would seem a natural site for the AU Court of Justice, and we suspect that once senior officials focus on this issue, interest in making an application to host the Court will grow. We will continue to push on this issue.

17. (C) Comment continued: We are concerned by what appears to be an emerging leadership vacuum in the Foreign Ministry. Foreign Minister Kikwete is already an acknowledged candidate for the presidency (party nominations are announced May 4, and elections are October 30). As such, he is spending increasing amounts of time on the campaign trail. Likewise, Deputy Minister Shareef is running for re-election to parliament, as well as actively

positioning himself for a potential ministerial portfolio in the next government. If these trends continue, leadership of the Ministry will inevitably devolve toward the Permanent Secretary and Office Directors, most of whom are most notable for extreme caution and risk avoidance. Even though Ngaiza promised to follow up on the AU Court issue, Charge will also seek a meeting with the Foreign Minister when he is back in Dar to ensure he is focused on this issue. End comment.

OWEN